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ABSTRACT

The memorandum opinion and order submitted to the United States District Court judge in the Ann Arbor, Michigan case of Martin Luther King Junior Elementary School Children vs. the Ann Arbor School District Board concerning the educational rights of students speaking black English outlines the history of the litigation, describes the parties to the litigation, defines the issues, reports on the current state of knowledge concerning black English and its impact on the teaching of standard English, and analyses the application of the current state of knowledge to the children and school in the case, and the application of the law to the facts. The educational plan summarizes the school board's plan for identifying and teaching standard English to speakers of black English, as submitted to the court in response to the judge's 1979 order, and outlines background information, current related programs and planning activities, and the plan's rationale and assumptions based on the plaintiff's testimony. The judge's intent and assumptions as derived from his opinion are summarized, the plan's goals are listed, and a description of the proposed program, and specific implementation and evaluation information, are provided. (MSE)

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ED273140

THE ANN ARBOR DECISION

MEMORANDUM OPINION AND ORDER

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THE EDUCATIONAL PLAN

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NOTICE

The educational plan herein was the original plan submitted to the judge. A subsequent revised version was formulated and implemented under the directorship of Dr. Thomas Pietras.

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UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

MARTIN LUTHER KING JUNIOR ELEMENTARY SCHOOL CHILDREN, et al.,

PLAINTIFFS,

v.

ANN ARBOR SCHOOL DISTRICT BOARD,

DEFENDANT.

CIVIL ACTION
NO. 7-71861

MEMORANDUM OPINION AND ORDER

The issue before this court is whether the defendant School Board has violated Section 1703(f) of Title 20 of the United States Code as its actions relate to the 11 black children who are plaintiffs in this case and who are students in the Martin Luther King Junior Elementary School operated by the defendant School Board. It is alleged that the children speak a version of "black English," "black vernacular," or "black dialect" as their home and community language that impedes their equal participation in the instructional programs, and that the school has not taken appropriate action to overcome the barrier.

The statute under which this action is now pressed reads as follows:[1]

> No State shall deny equal educational opportunity to an individual on account of his or her race, color, sex or national origin, by—
> * * *
> (f) the failure by an educational agency to take appropriate action to overcome language barriers that impede equal participation by its students in its instructional programs. 20 U.S.C. 1703(f).

A major goal of American education in general, and of King School in particular, is to train young people to communicate both orally (speaking and understanding oral speech) and in writing (reading and understanding the written word and writing so that others can understand it) in the standard vernacular of society. The art of communication among the people of the country in all aspects of people's lives is a basic building block in the development of each individual. Children need to learn to speak and understand and to read and write the language used by society to carry on its business, to develop its science, arts and culture, and to carry on its professions and governmental functions. Therefore, a major goal of a school system is to teach reading, writing, speaking, and understanding standard English.

The problem in this case revolves around the ability of the school system, King School in particular, to teach the reading of standard English to children who, it is alleged, speak "black English" as a matter of course at home and in their home community (the Green Road Housing Development).

This case is not an effort on the part of the plaintiffs to require that they be taught "black English" or that their instruction throughout their schooling be in "black English," or that a

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[1]Section 1706 of Title 20 gives to an individual who has been denied an equal educational opportunity the right to institute a civil action in the appropriate District Court of the United States for violation of 20 U.S.C. § 1703.

dual language program be provided. In this respect, it is different from the facts in *Cintron v. Brentwood Union Free School District*, 455 F. Supp. 57 (E.D. N.Y. 1978). It is a straightforward effort to require the court to intervene on the children's behalf to require the defendant School District Board to take appropriate action to teach them to read in the standard English of the school, the commercial world, the arts, science, and professions. This action is a cry for judicial help in opening the doors to the establishment. Plaintiffs' counsel says that it is an action to keep another generation from becoming functionally illiterate. The statute set out above is the remaining basis for the plaintiffs' claims.

HISTORY OF LITIGATION TO DATE

This action was commenced on July 28, 1977 by 15 black preschool or elementary school children residing in a housing project located on Green Road in Ann Arbor, Michigan, all of whom either were attending or were eligible to attend Martin Luther King Junior Elementary School in that city. The plaintiffs asserted that the defendant Ann Arbor School District Board and the Michigan State Board of Education, along with certain individual teachers and administrators, violated the law in a number of respects. They alleged that in the process of determining the eligibility of all students for special education services, pursuant to M.C.L.A. § 380.1701 *et seq.*, the defendants had failed to determine whether the plaintiffs' learning difficulties stemmed from cultural, social, or economic deprivation. They demanded the establishment of a program which would enable plaintiffs to overcome the cultural, social, and economic deprivations which allegedly prevented them in varying degrees from making normal progress in school. The plaintiffs asserted that these omissions constitute a violation of:

1. Their civil rights protected by 42 U.S.C. §§ 1983 and 1985(3);
2. Their rights to equal protection of the laws guaranteed by the Fourteenth Amendment of the United States Constitution;
3. Their right to equal educational opportunity protected by 20 U.S.C. §§ 1703(f) and 1706;
4. Their right to the benefits of federal financial assistance, pursuant to 42 U.S.C. § 200d;
5. Their right to a free education guaranteed by Articles VIII and II of the Michigan Constitution and M.C.L.A. § 380.1147; and
6. Their right to be free from tortious abrogation of their constitutional rights.

This court at an earlier date considered motions filed by the defendants and has dismissed all of the claims made relating to cultural, social, and economic deprivations and all but the claim made by the plaintiffs under Sections 1703(f) and 1706 of Title 20 of the United States Code. *Martin Luther King School Children v. Michigan Board of Education*, 463 F. Supp. 1027 (E.D. Mich. 1978). The court also denied the request of the plaintiffs for a preliminary injunction and to have this action certified as a class action.[2] Since that time this court, at the request of the plaintiffs, has dismissed the Michigan Superintendent of Public Instruction and his employees, agents, and assigns in their official capacities, and the Michigan Board of Education from the action. The court has also stricken four of the plaintiff children from the action because they have since moved out of the school district.

THE PARTIES TO THIS LITIGATION

THE PLAINTIFFS

Each of the plaintiff children is or has been a student at the Martin Luther King Junior Elementary School. Each of them resides in the Green Road Housing Project in Ann Arbor, a small public housing project established as a part of an effort to provide "scatter housing" for low income families in the city of Ann Arbor. Green Road Housing Project is located in a middle to upper income residential area next to the University of Michigan's North Campus. Each of the plaintiff children is a black child. They are among more than 500 children in attendance at the King School. Each of the children has experienced reading difficulties sometime during his or her time at the King School.

[2]Court Order dated September 23, 1977.

1. Michael Blair is completing the 7th grade at Clague Middle School. He attended King School from kindergarten through the 6th grade.

2. Anthony Blair is completing the 6th grade at King School and will attend Clague Middle School in the fall of 1979. He has attended King School from kindergarten through the 6th grade.

3. Gerard Blair is at the present time repeating 2nd grade at King School. He has attended King School from kindergarten through the 2nd grade.

4. Tyrone Blair is completing the 1st grade at King School. He also attended kindergarten at King School.

5. Dwayne Brenen is completing the 7th grade at Clague Middle School. He attended King School for grades 1 through 6 and part of kindergarten.

6. Kihilee Brenen is completing the 4th grade at the Northside Elementary School. He attended King School for kindergarten and the 1st grade. He transferred from King to Northside after one month in the 2nd grade.

7. Tito Brenen is completing the 1st grade at King School. He attended kindergarten at King School last year.

8. Carolyn Davis is completing the 6th grade at King School. She will attend Clague Middle School in the fall of 1979. She attended King School for grades 3 through 6.

9. Gary Davis is completing the 4th grade at King School. He attended grades 1 through 4 at King.

10. Jacqueline Davis is completing the 3rd grade at King School. She attended kindergarten through 3rd grade at King School.

11. Tyrone Davis is completing the 1st grade at King School. He attended kindergarten at King School last year.

THE DEFENDANT

The Ann Arbor School District Board operates the Martin Luther King Junior Elementary School. The school is comprised of a school population which is approximately 80% white, 13% black, and 7% Asian, Latino, or other. There are 20 teachers on the faculty, 3 of whom are black. There is no evidence in the case to indicate that the Ann Arbor School District Board currently operates a dual school system or that it has done so in the past. In fact the evidence suggests that the ethnic makeup of the student and teacher population at King School is substantially in line with that of the district.

The Martin Luther King Junior Elementary School has available to its instructional staff one or more learning consultants or helping teachers, a speech therapist, a psychologist, and a language consultant. These professionals are used by the staff in accordance with the rules of the School Board and law to provide additional assistance in connection with the educational program of the school. In addition, the school arranges for special tutors and at times utilizes parent helpers.

ISSUES

Section 1703(f) of Title 20, U.S.C., set out above, is the sole remaining basis for the plaintiffs' claims.

The issues raised by the language of 20 U.S.C. § 1703(f) are:

1. Whether the children have a language barrier.
2. Whether, if they have a language barrier, that barrier impedes their equal participation in the instructional program offered by the defendant. (In this case the evidence has largely been directed at learning to read, the most basic of all instructional programs of the school.)
3. Whether, if there is a barrier that does so impede, the defendant Board has taken "appropriate action to overcome the language barrier."
4. Whether, if the defendant Board has not taken "appropriate action," this failure denies equal educational opportunity to plaintiffs "on account of race."

The case is divided for discussion into three distinct parts. The first part involves a description of what has been established by the evidence as that body of knowledge known generally by linguists, psychologists, and educators about the problems presented. The second part looks at the educational program in King School as it relates to the particular children in this case. The third part applies the legal rules to the evidence as set out in the first two parts.

I

REPORT ON CURRENT STATE OF KNOWLEDGE

The court heard from a number of distinguished and renowned researchers and professionals who told the court about their research and discoveries involving "black English" and how it impacts on the teaching of standard English.[3] They also informed the court on the results of other research relied on by professionals and expressed their opinions. Information about this area of education and linguistics is being uncovered as rapidly as research projects are reaching maturity. The court believes that the research results and the opinions of the researchers and professionals are better received as evidence in the case, on the record and subject to cross-examination, than simply by reading the reports and giving consideration to what appears in those reports as was done in *Brown* v. *Board of Education*, 347 U.S. 483 (1954). The knowledge produced by the various research projects forms a background basis against which the actions of the School District Board and the teachers in this case can be tested. The research product does permit inferences to be drawn but it must be remembered that this case is a case against one school board for its actions and it must be judged for its actions alone. "[S]chools are not fungible and the fact that some or even most may practice discrimination does not warrant blanket condemnation." *Norwood* v. *Harrison*, 413 U.S. 455, 471 (1973). The following is a brief summary of some of the research reported as it relates to the problems before the court.

LANGUAGE BARRIER

All of the distinguished researchers and professionals testified as to the existence of a language system, which is a part of the English language but different in significant respects from the standard English used in the school setting, the commercial world, the world of the arts and science, among the professions, and in government. It is and has been used at some time by 80% of the black people of this country and has as its genesis the transactional or pidgin language of the slaves, which after a generation or two became a Creole language. Since then it has constantly been refined and brought closer to the standard English as blacks have been brought closer to the mainstream of society. It still flourishes in areas where there are concentrations of black people. It contains aspects of Southern dialect and is used largely by black people in their casual conversation and informal talk. There are many characteristic features found in "black English" but some of the principal ones identified by the testifying experts as being significant are:

1. The use of the verb "be" to indicate a reality that is recurring or continuous over time.
2. The deletion of some form of the verb "to be."
3. The use of the third person singular verbs without adding the "s" or "z" sound.
4. The use of the "f" sound for the "th" sound at the end or in the middle of a word.
5. The use of an additional word to denote plurals rather than adding an "s" to the noun.
6. Nonuse of "s" to indicate possessives.
7. The elimination of "l" or "r" sounds in words.
8. The use of words with different meanings.
9. The lack of emphasis on the use of tense in verbs.
10. The deletion of final consonants.
11. The use of double subjects.
12. The use of "it" instead of "there."

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[3]Geneva Smitherman, Professor of Speech Communication and Director of the Center for Black Studies, Wayne State University; Daniel N. Fader, Professor of English Language and Literature, University of Michigan; Jerrie Scott, Assistant Professor of English and Linguistics, University of Florida; William Labov, Professor of Linguistics at the University of Pennsylvania, with a secondary appointment in Psychology and Education; J. L. Dillard, Assistant Professor, Department of Languages, Northwestern State University, Natchitoches, Louisiana; Gary Simpkins, Director of Social Health Services and Chief of Mental Health, Watts Health Foundation; Richard Bailey, Professor of English, University of Michigan; Ronald Edmunds, Member of Faculty, Harvard Graduate School of Education; and Kenneth Haskins, President, Roxbury Community College.

The features of this language system have been described in a number of carefully researched projects.[4]

The substance of the thoughtful testimony of the experts also indicated that because "black English" does not discriminate among some sounds which are distinguished in standard English, teachers experience difficulty in getting the students to use correct pronunciation. The experts further testified, however, that efforts to instruct the children in standard English by teachers who failed to appreciate that the children speak a dialect which is acceptable in the home and peer community can result in the children becoming ashamed of their language, and thus impede the learning process. In this respect, the black dialect appears to be different than the usual foreign languages because a foreign language is not looked down on by the teachers. The evidence also suggests that there are fewer reading role models among the poor black families than among families in the rest of society.

Finally, it is clear that black children who succeed, and many do, learn to be bilingual. They retain fluency in "black English" to maintain status in the community and they become fluent in standard English to succeed in the general society. They achieve in this way by learning to "code switch" from one to the other depending on the circumstances.

All of the experts testified that the language used is a specific system that has been used by blacks and continues to be used by blacks in casual conversation and informal talk. It is a language system having its genesis among black people. In many areas of the country where blacks predominate, many among them, particularly the poor and those with lesser education and their children, speak this dialect among themselves although they may be quite capable of speaking eloquently in standard English and although they do speak standard English when talking to community outsiders. "Black English" is a dialect of a segment of the black population and is used by them only a part of the time.

IMPEDIMENTS TO EQUAL PARTICIPATION IN THE INSTRUCTIONAL PROGRAM

A child who does not learn to read is impeded in equal participation in the educational programs. Such a child cannot fully participate in the educational programs which to a significant degree require the student to acquire knowledge from the written word. Reading of all kinds is a major method by which modern society passes on its information and culture among its members and to its children. It is the way in which society conveys its commands and gives direction to its members.

The research evidence supports the theory that the learning of reading can be hurt by teachers who reject students because of the "mistakes" or "errors" made in oral speech by "black English" speaking children who are learning standard English. This comes about because "black English" is commonly thought of as an inferior method of speech and those who use this system may be thought of as "dumb" or "inferior." The child who comes to school using the "black English" system of communication and who is taught that this is wrong loses a sense of values related to mother and close friends and siblings and may rebel at efforts by his teachers to teach reading in a different language.[5]

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[4] G. Smitherman, *A Comparison of the Oral and Written Styles of a Group of Inner-City Black Students*, Ph.D. dissertation, University of Michigan, (1969); G. Smitherman, *Talkin' and Testifyin': The Language of Black America*, (1977); J. L. Dillard, *Black English*, (1972); W. Labov, *The Study of Nonstandard English*, (1970); W. Labov, "The Logic of Non-Standard English," *Linguistic-Cultural Differences and American Education*, Special Edition of the *Florida Foreign Language Reporter*, (Spring, Summer, 1969); R. Fasold and R. Shuy, *Teaching Standard English in the Inner City*, (1970); W. Wolfram, *A Sociolinguistic Description of Detroit Negro Speech*, (1969); R. Burling, *English in Black and White*, (1973); and R. Abrahams and R. Troike, eds. *Language and Cultural Diversity in American Education*, (1972).

[5] J. L. Dillard, *Black English*, (1972); A. Covington, "Teachers' Attitudes Toward Black English Effects on Student Achievement," in *Ebonics: The True Language of Black Folks*, (R. Williams, ed. 1975); W. Labov, "The Logic of Non-Standard English," *Linguistic-Cultural Differences and American Education*, Special Edition of the *Florida Foreign Language Reporter*, (Spring, Summer 1969); G. Smitherman, *A Comparison of the Oral and Written Styles of a Group of Inner-City Black Students*, Ph.D. dissertation, University of Michigan, (1969); G. Smitherman, *Talkin' and Testifyin': The Language of Black America*, (1977); R. Fasold and R. Shuy, *Teaching Standard English in the Inner City*, (1970); R. Burling, *English in Black and White*, (1973); and R. Abrahams and R. Troike, eds., *Language and Cultural Diversity in American Education*, (1972).

APPROPRIATE ACTION

The experts offered a number of suggestions of what is appropriate action. Dr. Geneva Smitherman suggested that highly skilled linguists are needed to teach the children. Others suggested that children's speech should not be corrected initially until the correction can be made without upsetting the child and the feelings toward mother and home.

Others suggested that students should be started in "black English" and then bridged into standard English and that persons using standard English should also be reverse bridged into "black English."

Others suggested the use of specifically identified reading programs, some of which are written in "black English." The use of books of all sorts, including comic books, was urged to induce the unmotivated to read.

Dr. Dan Fader stressed the need to make certain that the school system provides models for accepting reading as an important and standard part of a person's life. Particularly for students who do not have parents and siblings who read at home, it is important, he stressed, that children see people read and that they understand that what people read affirmatively affects their lives. He suggests that time must be set aside in each school during which everyone—children, teachers, administrators, secretaries, janitors, and all others who are present in the school system—reads, and then, in later conversation, attempts to convey what was gained from the reading. Dr. Fader suggests that the real problem comes from the 4th grade on when the students' extracurricular activities compete for their time and energy. At this time, the students lose interest, particularly if they don't see value in continuing to develop their reading skills, unless they are specially motivated by parents, peers, or teachers. For this reason, he suggests adult reading models outside the home be brought to bear upon the children's lives.

Dr. Ronald Edmunds reported on conclusions drawn from an extensive research project on "Search for Effective Schools." After having utilized an acceptable, well-developed procedure, he has identified 5 criteria essential to an effective school. He defines an effective school as one in which all but severely handicapped children achieve in math and reading to a satisfactory degree when measured not against each other but against a concrete body of knowledge. It appears that Dr. Edmunds has contributed much to assist school boards and major school administrators in understanding and assessing the quality of their educational efforts.

Dr. Edmunds' criteria for an effective school are:

1. Style of leadership in the building—strong principal. Participation by principal in basic classroom decisions relating to how the day is organized and how time is spent and what materials to use and subjects to emphasize.
2. Emphasis on learning and teaching by everyone in the building, including janitors, secretaries, parents, as well as teachers and students.
3. Building ambiance: a clean, orderly, safe environment.
4. Teaching expectations—all students are expected to profit from what goes on in the school.
5. Presence of a standard testing device to measure pupil progress in relation to the school's emphasis.

The sum total of the testimony of the experts was a series of suggestions that are clearly appropriate for consideration by administrators and teachers.

Plaintiffs themselves urge a simple remedy. They would require the defendant School Board to identify each student who speaks "black English" and then use the best of the knowledge available in the Ann Arbor school system to teach standard English, after taking into account the "black English" background of the children.

SUMMARY

The language of "black English" has been shown to be a distinct, definable version of English, different from standard English of the school and the general world of communications. It has definite language patterns, syntax, grammar, and history.

In some communities and among some people in this country, it is the customary mode of oral, informal communication.

A significant number of blacks in the United States use or have used some version of "black

English" in oral communications. Many of them incorporate one or more aspects of "black English" in their more formal talk.

"Black English" is not a language used by the mainstream of society—black or white. It is not an acceptable method of communication in the educational world, in the commercial community, in the community of the arts and science, or among professionals. It is largely a system that is used in casual and informal communication among the poor and lesser educated.

The instruction in standard English of children who use "black English" at home by insensitive teachers who treat the children's language system as inferior can cause a barrier to learning to read and use standard English. The language is not as discriminating in its use of sounds as is standard English and much of its grammar is simpler. There are fewer reading models in the life of a child who uses "black English."

II

APPLICATION OF THE CURRENT STATE OF KNOWLEDGE TO THE CHILDREN IN THIS CASE AND KING SCHOOL

LANGUAGE BARRIER

The plaintiff children use a version of "black English" in their informal conversations in their homes and in the small community of the Green Road Housing Development. It is the accepted way of speaking in that environment. Their mothers sometimes use a version of "black English" in speaking with the children in the home setting, but can speak standard English. The mothers testified clearly in standard English and a number of letters written by one or more of them appear in the record and show that they can use standard English effectively.

The teachers in King School had no difficulty in understanding the students or their parents in the school setting and the children could understand the teachers and other children in that setting. In other words, so far as understanding is concerned in the school setting, although there was initially a type of language difference, there was no barrier to understanding caused by the language.

There seems to be no problem existing in this case relating to communication between the children and their teachers or between the children and other children in the school. The answers given by plaintiffs to interrogatories posed by defendants confirm this finding.

Although the evidence in this case indicates that the plaintiffs at times speak "black English" at home, they also to a greater or lesser degree depending on age speak and understand standard English in school and in the home.

If a barrier exists because of the language used by the children in this case, it exists not because the teachers and students cannot understand each other, but because in the process of attempting to teach the students how to speak standard English the students are made somehow to feel inferior and are thereby turned off from the learning process.

There is no direct evidence that any of the teachers in this case has treated the home language of the children as inferior, but it is clear to the court that although some of the teachers rebel at calling the home language "black English" they are acutely aware of it. Each teacher, the court believes, makes his or her own assessment of the language system used by the student in the home environment and attempts to use all of his or her skills to teach the student to read and speak standard English. The teachers do not, however, admit to taking that system into account in helping the student read standard English.

It is not an issue in this case that the students have been misclassified as handicapped. The procedures used in making the classifications completely follow the law.

As indicated later in this memorandum, the teachers all testified that they treated the plaintiff students just as they treated other students. In so doing, they may have created a barrier to learning reading if the research reported is to be given any credence. The reason the teachers are teaching standard English is because it is the language by which the mainstream of society operates. The vernacular of "black English" has never been such a language. By requiring a student to switch

without even recognizing that he or she is switching impedes the learning of reading standard English.

ACTIONS TAKEN BY TEACHERS AT KING SCHOOL

Each of the teachers who testified in this case testified that he or she attempts to use a variety of materials that are standard for teaching reading. Some of these materials are specially designed to help students who speak "black English" to learn to read standard English. The materials are used in the way in which the materials are designed to be used. Although the teachers give special attention to the plaintiff students and have provided an exceptional amount of special assistance in connection with their efforts to help them read, they do not treat them differently from other students in the class. They indicated that the plaintiff children are treated the same way as are students from Japan, China, Korea, Greece, and Spain, who are learning English while they are going to school. They do not use special methods or criteria or procedures to teach "black English" speaking youngsters. They do use books that are prepared by well-regarded teachers of reading and published by well-regarded educational publishers, and that assist students to learn and develop in accordance with their capabilities. Some of these books and materials are the very ones suggested as appropriate by the experts testifying in the case. As students change in ability, they shift to more difficult or easier material. On one occasion, one student was held back a grade when the language proficiency was not sufficient to permit the student to succeed in the higher grade. That student was benefited by the grade retention. The students have been provided with assistance in reading help and some of them have been offered tailor-made programs in oral reading and phonics for their assistance. By way of example, the students in this case have received the following type of assistance:

A. Michael Blair received assistance in reading from a helping teacher during four of the seven grades he attended at King School. A curriculum plan devised for Michael by the teacher consultant during the 5th grade recommended the encouragement of his individual reading by the use of magazines, newspapers, comic books, and a variety of paperbacks.

B. Anthony Blair received the assistance of a helping teacher in the 3rd grade and was instructed on a one-on-one basis in the 4th grade.

C. Gerard Blair received the assistance of a teacher aide in the 1st grade and he worked with a teacher consultant in the 2nd grade. He was retained in 2nd grade for the year 1978-79.

D. Tyrone Blair received the assistance of a speech and language specialist during preschool and worked at individual reading with his teacher in the 1st grade.

E. Tito Brenen was given one-to-one tutoring in kindergarten.

F. Gary Davis received 30 minutes or more individual reading help per day from his 1st grade teacher.

G. Jacqueline Davis had individual teacher help in reading during the 1st grade and worked with a teacher/consultant during the 2nd and 3rd grades.

H. Tyrone Davis received the assistance of a speech therapist in kindergarten for a severe multiple articulation problem.

There is no evidence in this case that any instructional program has been withheld from any plaintiff on account of his or her race.

IMPEDIMENTS TO EQUAL PARTICIPATION IN THE INSTRUCTIONAL PROGRAM

The evidence in this case suggests that each teacher made every effort to help and used the many and varied resources of the school system to try to teach the students to learn to read.

The evidence also suggests that the students, depending on their age, communicate orally quite well in standard English and except for a few limited times most, if not all, in-school talking is done in standard English.

The court heard from each of the children. They are attractive, likeable, at times shy, youngsters. Their speech in court was highly intelligible and contained only traces of "black English." This is true although the court heard tapes played of the same children in casual conversation in which talking among themselves their speech was a true "black English" vernacular. In oral speech,

though, they seem to quickly adapt to standard English in settings where it appears to be the proper language.

The facts in this case indicate, however, that these children have not developed reading skills and the failure to develop these skills impedes equal participation in the instructional program.

The toughest question is whether it has been established that the failure to develop reading skills was caused by the language barrier. The evidence suggests other causes, such as absences from class, learning disabilities, and emotional impairment. However, the evidence also suggests that an additional cause of the failure to learn to read is the barrier caused by the failure of the teachers to take into account the "black English" home language of the children in trying to help them switch to reading standard English. When that occurs, the research indicates that some children will turn off and will not learn to read.

The court cannot find that the defendant School Board has taken steps (1) to help the teachers understand the problem; (2) to help provide them with knowledge about the children's use of a "black English" language system; and (3) to suggest ways and means of using that knowledge in teaching the students to read.

III

APPLICATION OF LAW TO FACTS

When Congress enacted the Equal Educational Opportunities Act of 1974, it was responding to suggestions that attention should be shifted from busing to better education. In his message to Congress, the President urged the enactment of what is now § 1703 to provide a "broader base on which to decide future cases." He indicated that the statute should set "standards for all school districts throughout the Nation, as the basic requirements for carrying out, in the field of public education, the Constitutional guarantee that each person shall have equal protection of the laws." 118 Cong. Rec. 8931 (1972).

This effort went far beyond requiring standards of equal education for formerly segregated dual systems of education. It was intended to embrace all school systems under the Equal Protection Clause of the Fourteenth Amendment and the authority granted in that amendment to "enforce, by appropriate legislation, the provisions of this Article." *See Martin Luther King School Children* v. *Michigan Board of Education*, 463 F. Supp. 1027 (E.D. Mich. 1978).

This case is a judicial investigation of a school's response to language, a language used in informal and casual oral communication among many blacks but a language that is not accepted as an appropriate means of communication among people in their professional roles in society. The plaintiffs have attempted to put before this court one of the most important and pervasive problems facing modern urban America—the problem of why "Johnnie Can't Read" when Johnnie is black and comes from a scatter low income housing unit, set down in an upper middle class area of one of America's most liberal and forward-looking cities.

The problem posed by this case is one which the evidence indicates has been compounded by efforts on the part of society to fully integrate blacks into the mainstream of society by relying solely on simplistic devices such as scatter housing and busing of students. Full integration and equal opportunity require much more and one of the matters requiring more attention is the teaching of the young blacks to read standard English.

Some evidence suggests that the teachers in the schools which are "ideally" integrated such as King do not succeed as well with the minority black students in teaching language arts as did many of the teachers of black children before integration. The problem, of course, is multidimensional, but the language of the home environment may be one of the dimensions. It is a problem that every thoughtful citizen has pondered, and that school boards, school administrators, and teachers are striving to solve.

Research indicates that the black dialect or vernacular used at home by black students in general makes it more difficult for such children to learn to read for three reasons:

1. There is a lack of parental or other home support for developing reading skills in standard English, including the absence of persons in the home who read, enjoy it, and profit from it.
2. Students experience difficulty in hearing and making certain sounds used discriminatively in standard English, but not distinguished in the home language system.
3. The unconscious but evident attitude of teachers toward the home language causes a psychological barrier to learning by the student.

Evidence is lacking in this case about parental reading models, although the mothers clearly have evidenced interest in the success of their children. There is no evidence that any of the teachers have in any way intentionally caused psychological barriers to learning. The mothers and the children were complimentary of their teachers. But the evidence does clearly establish that unless those instructing in reading recognize (1) the existence of a home language used by the children in their own community for much of their nonschool communications, and (2) that this home language may be a cause of the superficial difficulties in speaking standard English, great harm will be done. The child may withdraw or may act out frustrations and may not learn to read. A language barrier develops when teachers, in helping the child to switch from the home ("black English") language to standard English, refuse to admit the existence of a language that is the acceptable way of talking in his local community.

The facts and law thus establish:

1. The plaintiff children do speak at home and in their local community a language that is not itself a language barrier. It is not a barrier to understanding in the classroom. It becomes a language barrier when the teachers do not take it into account in teaching standard English.

2. The evidence supports a finding that the barrier caused by a failure on the part of the defendant to develop a program to assist their teachers to take into account the home language in teaching standard English may be one of the causes of the children's reading problems.

3. The inability to read at grade level does impede the children's equal participation in the educational program of the school.

4. To the extent the defendant School Board has failed to take appropriate action, that failure impacts on race.

5. The obligation of the school system in this case is to take appropriate action to overcome the language barrier.

The court in this case has indicated that it has heard from impressive and experienced educators and researchers in the field of teaching reading who have pointed ways to the effective teaching of reading. A large amount of what has been testified to as appropriate action has been tried at King in one or another form. Materials suggested are available and have been used. It may be true that had the Ann Arbor school system used all of the ways suggested by the experts who testified in this case, some different results could have been achieved. It does not, however, seem to the court that the judicial forum is the appropriate place to make determinations of this sort. What is "appropriate" is not what this court believes should be done in light of evidence presented in this case. The courts are not the place to test the validity of educational programs and pedagogical methods. It is not for the courts to harmonize conflicting objectives by making judgments involving issues of pedagogy.

The appropriate standard is to examine the actions of the defendant School District Board and its teachers in this case and determine whether they make judgments and decisions in light of information they reasonably could be expected to have and that those judgments and decisions are rational. They may not act blindly, callously, and thoughtlessly, without care. They must have as their goal the congressional requirement, the elimination of existing language barriers, and the steps that they take must be rational and logical in light of the situation confronting them and the knowledge reasonably available to them.

Except in one respect the defendant does take appropriate action to overcome the language barrier. The defendant's teachers do act in a responsible and rational manner to try to help the children. The mere fact that the defendant does or does not adopt a particular program demonstrated to this court as being effective does not permit this court to hold that the defendant has not taken appropriate action under the statute. The defendant has done much and the court finds, except as indicated below, that what it has done is appropriate under the statute, even though the court, other administrators, or other teachers might try something different.

However, the evidence suggests clearly that no matter how well intentioned the teachers are, they are not likely to be successful in overcoming the language barrier caused by their failure to take into account the home language system, unless they are helped by the defendant to recognize the existence of the language system used by the children in their home community and to use that knowledge as a way of helping the children to learn to read standard English.

The failure of the defendant Board to provide leadership and help for its teachers in learning about the existence of "black English" as a home and community language of many black students and to suggest to those same teachers ways and means of using that knowledge in teaching the black children code switching skills in connection with reading standard English is not rational in light of existing knowledge on the subject.

Section 1706 of Title 20 provides that an individual who has been "denied an equal educational opportunity" (as defined in § 1703) may "institute a civil action . . . for such relief as may be appropriate."

Although this statute is a direct congressional mandate to the federal courts to become involved in matters of this kind, this statute makes it clear that discretion is given to the judge to determine what is "appropriate." Accordingly, this court finds it appropriate to require the defendant Board to take steps to help its teachers to recognize the home language of the students and to use that knowledge in their attempts to teach reading skills in standard English. It is the intention of this court that the method of using the students' home language in teaching reading of standard English meet the test of reasonableness and rationality in light of knowledge on the subject. It is not the intention of this court to tell educators how to educate, but only to see that this defendant carries out an obligation imposed by law to help the teachers use existing knowledge as this may bear on appropriate action to overcome language barriers.

The other two factors particularly identified as creating difficulty in learning to read standard English are not the appropriate subject for court order. The court does not believe the language difference between "black English" and standard English to be a language barrier in and of itself. The court cannot deal with the reading role model problem. In one sense it is a cultural, economic, and social problem and not a language problem and thus is beyond the issues in this action. In the other sense its remedies involve pedagogical judgments that are for the educators and not for the courts.

The claims against the defendants other than the defendant School Board are dismissed. No action against individuals is permitted under 20 U.S.C. § 1706.

Counsel for the defendant is directed to submit to this court within thirty (30) days a proposed plan *defining the exact steps to be taken* (1) to help the teachers of the plaintiff children at King School to identify children speaking "black English" and the language spoken as a home or community language, and (2) to use that knowledge in teaching such students how to read standard English. The plan must embrace within its terms the elementary school teachers of the plaintiff children at Martin Luther King Junior Elementary School. If the defendant chooses, however, it may submit a broader plan for the court's consideration, e.g., one embracing other elementary schools.

So ordered.

Dated: July 12, 1979
Detroit, Michigan

SIGNED

CHARLES W. JOINER
UNITED STATES DISTRICT JUDGE

AN EDUCATIONAL PLAN

SUBMITTED

BY THE ANN ARBOR BOARD OF EDUCATION
IN RESPONSE TO THE ORDER OF JULY 12, 1979
FROM THE HONORABLE JUDGE CHARLES W. JOINER

prepared by

Lee H. Hansen
Associate Superintendent
for Curriculum & Instruction

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Assistant Superintendent
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Harry Howard
Superintendent of
Schools

I. Introduction.

This is a plan by which the Ann Arbor Board of Education, defendant in the case of the Martin Luther King Junior Elementary School Children, *et al.*, v. the Ann Arbor School District Board, proposes to comply with the Order from the Honorable Judge Charles Joiner dated July 12, 1979. The Order directs that counsel for the defendant:

> submit to this court within thirty (30) days a proposed plan *defining the exact steps to be taken* (1) to help the teachers of the plaintiff children at King School to identify children speaking 'black English' and the language spoken as a home or community language, and (2) to use that knowledge in teaching such students how to read standard English. The plan must embrace within its terms the elementary school teachers of the plaintiff children at Martin Luther King Junior Elementary School. (pp. 42 and 43)

The plan which follows is a good-faith effort by the Ann Arbor Board of Education and its professional staff to frame a response which captures both the letter and the spirit of the Order. In submitting this plan, however, the Ann Arbor Board of Education wishes to acknowledge that the plan or any of its contents does not abrogate the remaining legal rights of the Ann Arbor Board of Education in this case.

II. Background.

As a foundation for preparing a response, those charged with that preparation have, within the limitations of the thirty-day period, engaged in two valuable activities. First, the writers have

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NOTE: Item VIII dealing with budget, Appendix A outlining the humane program, and Appendix B containing personnel vitas have been omitted from this version.

Also: page number references to the Order are to the original document and not to the version printed here.

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reviewed instructional programs implemented in the Ann Arbor Public Schools during the last 10 years, as they may bear upon and serve as a foundation for any proposed plan. Second, the writers have sought the points of view of a variety of experts and practitioners whose views would be helpful in framing a good-faith response. A brief review of these activities is in order.

A. Current Programs.

The Ann Arbor Public Schools has a long-standing commitment to improving the quality of instruction for all students. Since 1971, the school district has been implementing a humaneness program under the general direction of the Assistant Superintendent for Human Relations and Community Services. The spirit and intent of that program are best captured by two brief paragraphs from Board of Education policy:

> The Ann Arbor Public Schools is committed to the proposition that each child and youth in the district is respected as a human being and will be provided the quality of educational experience which will assist the fullest development of the individual potential.
>
> We recognize (1) that such human fulfillment requires a climate which accepts and understands the fact of diversity, and (2) that creative human relations—intergroup, interracial—also requires positive, cooperative actions on the part of all participants in the educational enterprise—trustees, administration, teaching staff, other staff members, students, parents, community. (From Board Policy No. 6120)

The school system has implemented an ambitious program to fulfill the spirit of that commitment to a humane school system. That program has directly touched every employee and student in the school system. It has also touched many parents and members of the community. . . . [reference to Appendix A] Though we can in no way say that the job is finished, we can point with pride to solid accomplishments. What we propose in this plan should be viewed as a complement to and an extension of the general humaneness program to which the school system remains committed.

In 1974, the Board of Education made a significant financial commitment to the general improvement of the English Language Arts program. The goal has been to provide a language arts program that will ensure that each student has a fair and equitable opportunity to learn to read, write, speak, and listen. Against the framework of the best knowledge that is currently available regarding children's acquisition of language skills, the Board of Education has made several significant improvements in the language arts program. These improvements have included:

1. implementing a contemporary linguistic basal reading program and associated instructional management system (which monitors the progress of each child) in each of the 26 elementary schools;
2. expanding the staff of elementary language arts consultants so that each elementary school has such expertise regularly available (11 such staff are currently employed by the district);
3. providing a wide variety of inservice opportunities for elementary classroom teaching staff, including an intensive summer workshop, evening and Saturday seminars and workshops, and after-school programs tailored to the needs of individual schools; and
4. providing a wide range of supplementary materials to enrich the elementary language arts program, including stronger library collections and a variety of reading kits and other materials.

Much has already been done by the Board of Education and its professional staff to ensure a quality reading and language arts program that accommodates the needs of each child. This plan, relative to children who speak black English as a home and/or community language, should be seen as an extension of this community's sincere effort generally to provide a quality language arts program.

B. Planning Activities.

As preparation for the development of this plan, those charged with its development have also attempted, in the brief time available, to gather professional insights from a variety of people.

These inquiry activities are listed in an effort to demonstrate that those responsible for the development of the plan have attempted, as His Honor asked, to determine what is reasonable and rational "in light of knowledge on the subject." (p. 41) We are indeed grateful that so many people were willing to step forward and share their thoughts and expertise. Their help was appreciated.

Ultimately, the plan must stand on its own merits, and the inclusion below of a contact with any particular person should in no way be perceived as an inference that that individual endorses the proposed plan either totally or in part. Because there are differences of opinion on these issues, some experts who were contacted will not find their points of view reflected in the plan. However, we believe that the plan is sound and reasonable in light of *prevailing* knowledge on the subject. The following activities are listed in no particular order.

1. Met with Dr. Marvin L. Green, Assistant Superintendent for Curriculum and Staff Development, Detroit Public Schools. As an educator with extensive linguistic training and as a school administrator with considerable experience working under a court order, Dr. Green was helpful in framing significant linguistic, pedagogical, and community issues.

2. Met with Dr. Richard W. Bailey, Professor of English Language and Literature at the University of Michigan. Dr. Bailey, who had served as an expert witness for the plaintiffs, provided insights into the linguistic issues relating to the Opinion and Order. In addition to oral dialogue with Dr. Bailey, we have received from him a written communication outlining his concerns and ideas.

3. Met with Dr. Bernard Van't Hul, Associate Professor of English Language and Literature, The University of Michigan. Dr. Van't Hul also submitted to the planning team two written documents which described his point of view and ideas.

4. Met with Dr. Robbins Burling, Professor of Anthropology and Linguistics at the University of Michigan and chief instructor for the course in black English which is offered regularly by the University of Michigan. Dr. Burling also presented to the planning team three separate written communications outlining his views and ideas.

5. Conferred briefly by telephone with Dr. Matthew Prophet, Superintendent, Lansing Public Schools. Dr. Prophet forwarded a series of papers and articles that could serve as background to the issues at hand.

6. Conferred frequently and repeatedly with Dr. Thomas Pietras, Director of Language Arts for the Ann Arbor Public Schools. Dr. Pietras, whose academic area of specialization is black English dialect and its relationship to school learning, provided insights into the linguistic issues and the reading pedagogy issues as they relate to the Opinion and Order. Dr. Pietras was also instrumental in framing the curriculum for the teacher inservice program.

7. Met with Dr. Elaine Wangberg and Ms. Betty Springfield, Language Arts Consultants with the Ann Arbor Public Schools. These two staff provided insights and points of view regarding ways of using the knowledge of black English with individual children in teaching those children to read standard English.

8. Met with available King Elementary School teaching staff and with the principal to receive from them ideas and insights that might be incorporated into the plan.

9. Conferred with Mr. John Dudley and Mr. John Weaver, Board of Education attorneys, on several occasions to ensure that the plan document was framed in a manner that was consistent with the intent of the Order and that was protective of the Board's legal interests.

10. Reviewed carefully unsolicited materials and proposals from (a) Dr. Jerry Colburn of Dillard, Coburn and Associates, New Orleans; (b) Lee A. Atkins, Urban Coordinator for Psychotechnics, Inc.; (c) Dr. Robert W. O'Hare, Director, Programs and Planning, Southwest Regional Laboratory for Educational Research and Development; and (d) Dr. Donald Smith, Professor of Education, The University of Michigan.

III. Rationale and Assumptions.

In preparing the assumptions upon which the plan would be based, the planning team carefully studied the Opinion and Order to be sure that the proposed plan was consistent with the rationale provided by His Honor. Passages which provided direct clues to that rationale were lifted from the Opinion and studied in more detail. These passages are noted below in four groupings. This section concludes with a set of assumptions gleaned from the Opinion.

A. Plaintiff's Expert Testimony.

The experts further testified, however, that efforts to instruct the children in standard English by teachers who failed to appreciate that the children speak a dialect which is acceptable in the home and peer community can result in the children becoming ashamed of their language, and thus impede the learning process. (p. 16)

The research evidence supports the theory that the learning of reading can be hurt by teachers who reject students because of the 'mistakes' or 'errors' made in oral speech by 'black English' speaking children who are learning standard English. (p. 18)

The instruction in standard English of children who use 'black English' at home by insensitive teachers who treat the children's language system as inferior can cause a barrier to learning to read and use standard English. (p. 24)

By requiring a student to switch without even recognizing that he or she is switching impedes the learning of reading standard English. (p. 27)

Students experience difficulty in hearing and making certain sounds used discriminatively in standard English, but not distinguished in the home language system. (p. 35)

The unconscious but evident attitude of teachers toward the home language causes a psychological barrier to learning by the student. (p. 36)

B. His Honor's Assessment of the Facts.

In other words, so far as understanding is concerned in the school setting, although there was initially a type of language difference, there was no barrier to understanding caused by the language. (p. 25)

Although the evidence in this case indicates that the plaintiffs at times speak 'black English' at home, they also to a greater or lesser degree depending on age speak and understand standard English in school and in the home. (p. 26)

If a barrier exists because of the language used by the children in this case, it exists not because the teachers and students cannot understand each other, but because in the process of attempting to teach the students how to speak standard English the students are made somehow to feel inferior and are thereby turned off from the learning process. (p. 26)

There is no direct evidence that any of the teachers in this case has treated the home language of the children as inferior, but it is clear to the court that although some of the teachers rebel at calling the home language 'black English,' they are acutely aware of it. Each teacher, the court believes, makes his or her own assessment of the language system used by the student in the home environment and attempts to use all of his or her skills to teach the student to read and speak standard English. The teachers do not, however, admit to taking that system into account in helping the student read standard English. (pp. 26 and 27)

As indicated later in this memorandum, the teachers all testified that they treated the plaintiff students just as they treated other students. In so doing, they may have created a barrier to learning reading if the research reported is to be given any credence. (p. 27)

The evidence also suggests that the students, depending on their age, communicate orally quite well in standard English and except for a few limited times most, if not all, in-school talking is done in standard English. (p. 31)

However, the evidence also suggests that an additional cause of the failure to learn to read is the barrier caused by the failure of the teachers to take into account the 'black English' home language of the children in trying to help switch to reading standard English. (p. 32)

The plaintiff children do speak at home and in their local community a language that is not itself a language barrier. It is not a barrier to understanding in the classroom. It becomes a language barrier when the teachers do not take it into account in teaching standard English. (p. 37)

C. His Honor's Intent.

The court cannot find that the defendant School Board has taken steps (1) to help teachers understand the problem; (2) to help provide them with knowledge about the children's use of a 'black English' language system; and (3) to suggest ways and means of using that knowledge in teaching the students to read. (p. 32)

Evidence is lacking in this case about parental reading models, although the mothers clearly have evidenced interest in the success of their children. There is no evidence that any of the teachers have in any way intentionally caused psychological barriers to learning. The mothers and the children were complimentary of their teachers. But the evidence does clearly establish that unless those instructing in reading recognize (1) the existence of a home language used by the children in their own community for much of their non-school communications, and (2) that this home language may be a cause of the superficial difficulties in speaking standard English, great harm will be done. The child may withdraw or may act out frustrations and may not learn to read. A language barrier develops when teachers, in helping the child to switch from the home ('black English') language to standard English, refuse to admit the existence of a language that is the acceptable way of talking in his local community. (p. 36)

However, the evidence suggests clearly that no matter how well intentioned the teachers are, they are not likely to be successful in overcoming the language barrier caused by their failure to take into account the home language system, unless they are helped by the defendant to recognize the existence of the language system used by the children

in their home community and to use that knowledge as a way of helping the children to learn to read standard English. (p. 40)

The failure of the defendant Board to provide leadership and help for its teachers in learning about the existence of 'black English as a home and community language of many black students and to suggest to those same teachers ways and means of using that knowledge in teaching the black children code switching skills in connection with reading standard English is not rational in light of existing knowledge on the subject. (p. 40)

Counsel for the defendant is directed to submit to this court within thirty (30) days a proposed plan *defining the exact steps to be taken* (1) to help the teachers of the plaintiff children at King School to identify children speaking 'black English' and the language spoken as a home or community language, and (2) to use that knowledge in teaching such students how to read standard English. (p. 42)

D. His Honor's Criteria.

The courts are not the place to test the validity of educational programs and pedagogical methods. It is not for the courts to harmonize conflicting objectives by making judgments involving issues of pedagogy. (p. 38)

The appropriate standard is to examine the actions of the defendant School District Board and its teachers in this case and determine whether they make judgments and decisions in light of information they reasonably could be expected to have and that those judgments and decisions are rational. They may not act blindly, callously, and thoughtlessly, without care. They must have as their goal the congressional requirement, the elimination of existing language barriers, and the steps that they take must be rational and logical in light of the situation confronting them and the knowledge reasonably available to them. (pp. 38 and 39)

The mere fact that the defendant does or does not adopt a particular program demonstrated to this court as being effective does not permit this court to hold that the defendant has not taken appropriate action under the statute. (p. 39)

It is the intention of this court that the method of using the students' home language in teaching reading of standard English meet the test of reasonableness and rationality in light of knowledge on this subject. It is not the intention of this court to tell educators how to educate, but only to see that this defendant carries out an obligation imposed by law to help the teachers use existing knowledge as this may bear on appropriate action to overcome language barriers. (p. 41)

E. Assumptions.

Enumerated below are the key assumptions inferred from the Opinion which serve as the foundation for this plan. It is assumed that:

1. the school system is not being required to teach students to speak black English;
2. King Elementary School teachers have not deliberately set up psychological barriers to learning;
3. the purported failure of the King Elementary School teachers to identify black English dialect speakers in their classes and to take that information into account in reading instruction is the language barrier which His Honor has identified;
4. there is no evidence that the teachers have overtly treated students' black English dialect as inferior to the standard English dialect or any other dialect;
5. the major focus of the plan should be on inservice instruction for teachers;
6. no particular instructional program in reading is being requested by the court;
7. no program is being requested which institutionally labels students as black English dialect speakers;
8. the school system is not being directed to send professional staff or other experts into the plaintiff homes to diagnose children's language and dialect, except insofar as this may already occur as part of the district's process of assessing student need;
9. King Elementary School teachers and plaintiff children can understand each other whether the dialect spoken is standard English or black English;
10. no specific approach to teaching black English speakers how to read standard English is being requested; approaches chosen must "meet the test of reasonableness and rationality in light of knowledge on this subject";
11. because the Order speaks only to reading, the plan is limited to instruction in reading.

IV. Goals.

This plan has as its goals to:

A. help the professional staff of King Elementary School to appreciate and understand the features, characteristics, and background of black English dialect;

B. train the professional staff of King Elementary School to identify children in their classes who may speak black English as their only dialect, as a dominant dialect, or as a second dialect;

C. assist the staff at King Elementary School to respond appropriately to the needs of children who speak black English when providing instruction in reading standard English;

D. establish a consultation liaison with an external agent that insures ongoing exchange of the latest professional information on black English and its role in learning to read standard English;

E. help the professional staff of King Elementary School to better communicate to parents the continuing need for parental input and support.

V. Program Description.

The major intent of this plan is to provide inservice education for the professional staff at King Elementary School. The inservice program will include instruction in general language and dialect concepts, the contrasting features of black English and standard English, the identification of black English speakers, the accommodation of code-switching needs in black English speakers, and the use of knowledge of dialect differences to help individual students read standard English. The plan will include both a formal motivational and instructional inservice component and a classroom reinforcement and implementation inservice component. These two components will insure that staff receive both the formal inservice instruction and the support and help in applying newly gained knowledge in the classrooms. Following is a more detailed description of each component.

A. Formal Instructional Component.

1. Objectives: Upon completion of this formal instructional component, inservice participants should:
   a. recognize generally the basic features of a language system as they apply to dialect differences.
   b. be able to describe in general the concept of a dialect and dialect differences within the English language.
   c. be sensitive to the value judgments about dialect differences which people often make and communicate to others.
   d. be able to describe the basic linguistic features of black English as it contrasts with standard English.
   e. show appreciation for the history and background of black English.
   f. recognize readily children and adults speaking the black English dialect.
   g. be able to identify without prompting the specific linguistic features by which they recognized a speaker of black English dialect.
   h. be able to discuss knowledgeably the important linguistic issues in code-switching between black English and standard written English.
   i. be able to identify possible instructional strategies that can be used to aid children in code-switching between black English and standard English.
   j. use miscue analysis strategies to distinguish between a dialect shift and a decoding mistake when analyzing an oral reading sample.
   k. be able to describe a variety of language experience activities that can be used to complement the linguistic basal reader program.

2. Operational Details: Instructional Component.
   a. A total of at least 20 hours of formal instruction will be provided at a time and place to be arranged in consultation with the principal and staff of King Elementary School and the Ann Arbor Education Association.
   b. That instruction will commence on or about October 15, 1979, and be completed by no

later than March 15, 1980, per a calendar of inservice sessions agreed to in consultation with the principal and staff of King Elementary School and the Ann Arbor Education Association.

c. The instructional team for this instructional component will include: Dr. Thomas Pietras, Director of Language Arts, Ann Arbor Public Schools (Instructional Leader); King Elementary School language arts consultant (to be named later); an external consultant in linguistics and reading (to be named later); other Ann Arbor Public Schools elementary language arts consultants as needed; specific King Elementary School professional staff with expertise to share.

d. Specific instructional materials for the workshops will be drawn from the following pool of materials. Other materials may be substituted as they are identified.

Resources

Abrahams, R. and R. Troike. *Language and Cultural Diversity in American Education*. Englewood Cliffs: Prentice Hall, 1972.

Burling, Robbins. *English in Black and White*. Holt, Rinehart, and Winston, 1973.

Cagney, Margaret A. "Children's Ability to Understand Standard English and Black Dialect." *The Reading Teacher* Vol. 30, No. 6, March, 1977.

Cramer, Ronald L. "Dialectology—A Case for Language Experience." *Reading Teacher* October, 1971, pp. 33-40.

Goodman, Kenneth S. and Catherine Buck. "Dialect Barriers to Reading Comprehension Revisited." *The Reading Teacher* October, 1973, pp. 6-12.

Goodman, Yetta M. and Rudine Sims. "Whose Dialect for Beginning Readers?" *Elementary English* Vol. 51, September, 1974, pp. 837-841.

Hoover, Mary Rhodes. "Characteristics of Black Schools at Grade Level: A Description." *The Reading Teacher*, April, 1978.

Johnson, Kenneth R. "Black Dialect Shift in Oral Reading." *Journal of Reading* April, 1975, pp. 535-540.

Johnson, Kenneth R. and Herbert D. Simons. "Black Children's Reading of Dialect and Standard Texts. A Final Report." April, 1973. ED 076 978.

Laffey, James and Roger Shuy. *Language Differences: Do They Interfere?* International Reading Association, 1973.

Pietras, Thomas P. "Teaching as a Linguistic Process in a Cultural Setting." To be published by *The Clearinghouse*, 1979.

Pietras, Thomas P. "Teacher Expectancy via Language Attitudes: Pygmalion from a Sociolinguistic Point of View." *The Journal of the Linguistic Association of the Southwest* Vol. II, Nos. 3 and 4, December, 1977.

Pietras, Thomas P. "Teacher's Verbal and Nonverbal Behavior as Indices of Teacher Expectancy." ED 156 627

Postman, Neil and Charles Weingartner. *Linguistics: A Revolution in Teaching*. Delta Books, 1956.

Shuy, Roger. *Discovering American Dialects*. Urbana, Illinois: National Council of Teachers of English, 1967.

Audio and/or videotaped samples of spoken black English.

e. All King Elementary School professional staff will receive a stipend for their participation beyond the contractual day as agreed upon with the Ann Arbor Education Association.

f. Participants will include all professional staff who are regularly assigned to King Elementary School. Staff who have completed a formal course in black English from a recognized college or university and whose transcript so indicates may be excused from this component of the inservice program. Staff in art, music, and physical education will not be expected to attend those workshop sessions that deal specifically with reading instruction.

B. Classroom Application Component.

1. Objectives: Upon completion of this component, inservice participants should:
   a. be able, using a variety of informal techniques, to identify students in their class who speak black English;
   b. be able to recognize specific problems encountered by individual black English speakers attempting to read standard English;
   c. be able, in the classroom setting, to distinguish between a dialect shift and a decoding mistake as a black English speaking student is orally reading from standard English material;
   d. have incorporated into their reading program appropriate language-experience activities;
   e. use a variety of possible instructional strategies to help black English speaking students learn to read standard English.

2. Operational Details: Implementation Component.
   a. A series of 3 or 4 one-hour follow-up seminars will be scheduled for appropriate Wednesday afternoons as selected by the principal and staff beginning in February and extending until the end of the school year. These seminars will have the purpose of encouraging

classroom teachers to help each other with problems encountered in applying what they have learned in the workshops. It will also allow for the introduction of outside expertise to help address these problems as the staff sees the need.

b. For the 1979-80 school year, a language arts consultant will be assigned full-time to King Elementary School. The individual so assigned will have a strong background in reading, extensive knowledge of black English, and experience in teaching black English speaking students. During this period (1979-80), the language arts consultant will have an expanded role. The Language Arts Consultant:
   (1) will carry an instructional caseload of five to ten high-need students (including but not exclusively black English speaking students);
   (2) will provide diagnostic help with individual students as requested by the teachers;
   (3) may work in the classrooms with the teachers during reading instruction (at the teacher's request);
   (4) may demonstrate in the classroom instructional strategies introduced in the seminar (at the teacher's request);
   (5) will secure additional materials as requested by the classroom teachers;
   (6) will either personally help or secure other assistance for a teacher who requests further inservice instruction in an area introduced in the workshops.

c. This component will be required of all professional staff who have either a direct or related responsibility for reading instruction.

d. The instructional team for the implementation component will include: Mrs. Rachel Schreiber, Principal, King Elementary School (Instructional Leader); the King Elementary School language arts consultant; other Ann Arbor Public Schools language arts consultants as invited; an external expert consultant in reading (to be identified later); Dr. Thomas Pietras, Director of Language Arts, Ann Arbor Public Schools; specific King School teachers who wish to share expertise with colleagues.

e. King Elementary School staff will not receive a professional inservice stipend for this component, since it is expected that the work can be carried out within the contractual day.

C. The Reading Program at King Elementary School.

Since His Honor has requested that the plan speak to *"the exact steps to be taken . . .* (2) to use that knowledge in teaching such students how to read standard English," it is appropriate that we describe briefly the reading program at King Elementary School, first, because it is changing this year as the district implements a more contemporary reading program, and second, because the inservice program will highlight certain features of that program.

1. The staff at King Elementary School have selected and are in the process of implementing the linguistic basal reading program produced by the Houghton-Mifflin Company. Following is a description of that program prepared by Dr. Pietras.

The Houghton-Mifflin Reading Program

As children approach the task of learning to read, they have as their main challenge "breaking the code" in reading. This process has two essential parts which are: (1) phonics (accurately associating letters with the sounds they symbolize) and (2) comprehension (extracting meaning from what is read). The Houghton-Mifflin Program provides these two parts.

The kindergarten through grade six component of this basal reading series can be divided into three sections:

1. The prereading section called "reading readiness," provides skills basic to beginning reading such as auditory and visual discrimination between sounds and letters, left to right progression, beginning development of listening and oral skills.
2. The primary section (grades 1-3) emphasizes basic skills such as word attack, listening, and specific comprehension exercises children need to master if they are to learn to read.
3. The intermediate section (grades 4-6) lessens the emphasis on word attack skills and begins to stress comprehension, study, and literary-appreciation skills. Children need to master these so they can: (a) cope with extracting meaning from reading material independently, (b) study informative material effectively, (c) use reference aids efficiently, and (d) read for different purposes.

2. The Houghton-Mifflin Reading Management system is also being implemented at King Elementary School to complement the basal program. This system of developmental reading skills and periodic progress tests provides careful monitoring of each child's reading skill development. The system supplements and corroborates the teacher's professional insights as he/she works with each child.

3. Language-experience activities are used as a supplement and complement to the basal program as appropriate. Many such language-experience activities are already described in the Houghton-Mifflin manual. Such experiences are particularly beneficial to black English speaking students who are having code-switching difficulties.
4. Additional reading materials are provided in each classroom to supplement the basal reading program. Particular attention is given to materials which provide additional practice in hearing sound-symbol relationships (phonics).
5. The library is constantly used to provide a rich source of student books for sustained silent reading.

We are of the opinion that this approach to reading instruction is reasonable and rational in light of knowledge on the subject. In that regard, two very recent reports corroborate our views:

Kean, Michael H. et al. *What Works in Reading: The Results of a Joint School District/Federal Reserve Bank Empirical Study in Philadelphia.* Offices of Research and Evaluation, Philadelphia Public Schools, May, 1979.

Hoover, Mary Rhodes. "Characteristics of Black Schools at Grade Level: A Description." *The Reading Teacher* Vol. 31, No. 7, April, 1978.

VI. Implementation Details.

A. Timeline.

1. It is expected that the entire program can be completed in one school year (1979-80).
2. Component No. 1, Motivation and Instruction, will run from about October 15, 1979, to no later than March 15, 1980.
3. Component No. 2, Reinforcement and Implementation, will run from about December 1, 1979, to June 15, 1980.

B. Resources and Materials.

1. Each inservice participant will receive individual copies of selected materials to be studied closely in the workshops.
2. A modest professional library of carefully selected books and articles will be available from the King Elementary School media center.
3. Prepared tapes of black English and contrasting standard English language samples will be available in the King School media center.
4. A full-time language arts consultant will be assigned to King Elementary School for the 1979-80 school year. This represents an expansion of .5 full-time staff equivalent over what is normally available at King Elementary School.
5. At least 40 hours of external expert consultant time in both linguistics and reading will be contracted.
6. Fifteen percent of Dr. Pietras' time and five percent of Dr. Hansen's and Dr. Cranmore's time will be dedicated to the project.
7. A professional inservice stipend will be provided to each teacher to compensate for time spent in the program beyond the contractual day.

C. Supervision and Management.

1. The project will be supervised by a management team consisting of the following people: Dr. Lee H. Hansen, Associate Superintendent for Curriculum and Instruction (Team Leader); Dr. Robert Potts, Assistant Superintendent for Human Relations and Community Services; Mrs. Rachel Schreiber, Principal, King Elementary School; Dr. Marion Cranmore, Director of Elementary Education; Dr. Thomas Pietras, Director of Language Arts; King Elementary School Ann Arbor Education Association representative; two King Elementary School teachers selected at large by the staff; King Elementary School language arts consultant; citizen-at-large: Dr. Percy Bates, Associate Dean, School of Education, The University of Michigan.
2. This team will meet at least once every three weeks to monitor progress, to solve problems, and to plan the details of future activities.

VII. Evaluation.

Evaluation activities will concentrate on providing evidence (a) that the inservice program is being implemented in accordance with the plan, (b) that a good-faith effort is being made to comply with the Order, and (c) that the program is judged worthy of expansion to the other elementary schools of the district. All evaluation reports will be distributed to the Board of Education, His Honor, the Superintendent and his Cabinet, the project management team, and the King Elementary School staff. Evaluation reports will be available to the press and the community. The following activities are planned.

A. A written anecdotal summary of each inservice workshop will be prepared and distributed by the management team no later than five days following each inservice session. The summary will include a list of participants present, an outline of major activities, and a summary of participant reactions.

B. A more general progress report will be issued by the management team every 60 days.

C. An evaluation questionnaire will be distributed to all participants at the close of each inservice workshop. These data will be summarized in the anecdotal summary of each workshop session.

D. A comprehensive survey of staff reactions will be administered at the close of the year.

E. An external expert consultant in linguistics and reading will visit a random sample of 50 percent of the teachers during reading class on at least two different occasions. In addition, the consultant will briefly interview each teacher following the observation. The purpose of the observation and interview is to determine the extent to which teachers are attempting to implement material presented in the inservice workshops. The consultant's reports will be general in nature and will not mention or allude to individual staff members.